

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MAY 5, 2005**

UNAPPROVED
MAY 17, 2005

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Suzanne F. Harsel, Braddock District
Nancy Hopkins, Dranesville District
Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:16 p.m. by Vice Chairman John R. Byers, in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SEA 82-C-063-04, HBL, INC., TO JUNE 30, 2005.

Commissioner Hart seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners Harsel, Hopkins, and Murphy absent from the meeting.

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARINGS ON RZ 2003-PR-054 AND SE 2003-PR-030, OURISMAN BETHESDA, INC., TO A DATE CERTAIN OF OCTOBER 6, 2005.

Commissioner Lusk seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners Harsel, Hopkins, and Murphy absent from the meeting.

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARINGS ON RZ 2004-LE-012 AND FDP 2004-LE-012, IN THE NAME OF MDP GROVETON LLC, TO A DATE CERTAIN OF JUNE 30, 2005.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners Harsel, Hopkins, and Murphy absent from the meeting.

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FSA-L00-30-1 - NEXTEL, 3900 San Leandro Place

Commissioner Lusk MOVED THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC AREA INC, FOR AN EXISTING TOWER AT 3900 SAN LEANDRO PLACE, BE CONSIDERED AS A FEATURE SHOWN PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioners Hall and Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners Harsel, Hopkins, and Murphy absent from the meeting.

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RZ 2004-MV-030 - LUKEN COMPANY, LC (Decision Only)

(The public hearing on this application was held on March 23, 2005. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE RZ 2004-MV-030, SUBJECT TO EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED APRIL 29, 2005.

Commissioners Hall and Lusk seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners Harsel, Hopkins, and Murphy absent from the meeting.

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PUBLIC FACILITIES MANUAL AMENDMENTS (Parking Spaces, Cash Deposits, and Drainage Divides) (Decision Only)

(The public hearing on this application was held on November 4, 2004. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT ADOPT AMENDMENTS TO THE PUBLIC FACILITIES MANUAL REGARDING POSTING SIGNAGE FOR ACCESSIBLE PARKING SPACES AND CASH DEPOSITS AS STATED IN THE STAFF REPORT DATED OCTOBER 18, 2004.

Commissioner Lawrence seconded the motion which carried by a vote of 7-0-1 with Commissioner de la Fe abstaining; Commissioner Lusk not present for the vote; and Commissioners Harsel, Hopkins, and Murphy absent from the meeting.

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT REAUTHORIZE AND READVERTISE FOR PUBLIC HEARING THE AMENDMENT REGARDING NATURAL DRAINAGE DIVIDES AS STATED IN ATTACHMENT B, WHICH IS A MARK-UP OF THE ORIGINAL OCTOBER 18, 2004 PROPOSED AMENDMENT, AND ATTACHMENT C WHICH IS A CLEAN VERSION TO THIS MAY 5, 2005 HANDOUT AND THAT IT ALIGN THE PUBLIC HEARINGS ON THE READVERTISED AMENDMENT WITH THOSE ON NEW NOTIFICATION AND SUBMISSION REQUIREMENTS FOR ALL NEW ZONING APPLICATIONS, DEVELOPMENT PLANS, SITE PLANS, AND SUBDIVISION PLANS REQUESTING DRAINAGE DIVERSIONS.

Commissioners Alcorn and Hall seconded the motion which carried by a vote of 7-0-1 with Commissioner Byers abstaining; Commissioner Lusk not present for the vote; and Commissioners Harsel, Hopkins and Murphy absent from the meeting.

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT AUTHORIZE AND ADVERTISE FOR PUBLIC HEARING PROPOSED AMENDMENTS TO THE NOTIFICATION AND SUBMISSION PROVISIONS IN THE ZONING ORDINANCE REQUIRED FOR ALL NEW ZONING APPLICATIONS, DEVELOPMENT PLANS, AND SITE PLANS AND AMENDMENTS TO THE NOTIFICATION AND SUBMISSION PROVISIONS IN THE SUBDIVISION ORDINANCE FOR ALL SUBDIVISION PLANS AND CONSTRUCTION PLANS AS STATED IN ATTACHMENT D TO THIS HANDOUT OR LANGUAGE SUBSTANTIALLY SIMILAR THERETO AND THAT IT DIRECT STAFF TO EXPEDITE THE AMENDMENT PACKAGE AND PUBLIC HEARINGS ON THESE CHANGES.

Commissioner Lawrence seconded the motion which carried by a vote of 7-0-1 with Commissioner Byers abstaining; Commissioner Lusk not present for the vote; and Commissioners Harsel, Hopkins and Murphy absent from the meeting.

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DIRECT STAFF TO DEVELOP A STANDARD PROFFER CONDITION AND SPECIFIC INTERPRETATIONS RELATING TO A REQUEST TO CROSS NATURAL DRAINAGE DIVIDES AS STATED IN ATTACHMENT E TO THIS HANDOUT.

Commissioner Hall seconded the motion which carried by a vote of 7-0-1 with Commissioner Byers abstaining; Commissioner Lusk not present for the vote; and Commissioners Harsel, Hopkins and Murphy absent from the meeting.

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ORDER OF THE AGENDA

In the absence of Secretary Harsel, Vice Chairman Byers established the following order of the agenda:

1. SE 2004-PR-037 - ANTHONY Q. TEDDER
2. 2232-L04-17 - FAIRFAX COUNTY PARK AUTHORITY

This order was accepted without objection.

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SE 2004-PR-037 - ANTHONY Q. TEDDER - Appl. under Sect. 2-904 of the Zoning Ordinance to permit uses in a floodplain. Located at 2862 Hunter Rd. on approx. 4.74 ac. of land zoned R-1 and HC. Tax Map 48-2 ((7)) (44) D. PROVIDENCE DISTRICT. PUBLIC HEARING.

Greg Budnik, with GJB Engineering Inc., reaffirmed the affidavit dated March 21, 2005. There were no disclosures by Commission members.

Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Budnik stated the proposed structure would be a replacement building with approximately the same footprint as the existing building and would allow the restoration of the Resource Protection Area (RPA). He said the applicant had worked closely with staff and had corrected Zoning Ordinance violations and that the applicant's bank had imposed a June 1, 2005 deadline to begin construction.

Vice Chairman Byers called the first listed speaker and recited rules for testimony before the Commission.

Anthony Tedder, 2862 Hunter Road, Fairfax, the applicant, requested the Commission's support in approving the Special Exception Application.

In response to questions from Commissioners Hart and Lawrence, Mr. Tedder said he was in agreement with the Development Conditions, including the condition prohibiting the use of mechanical equipment for reforestation.

Joseph Cannon, 8904 Mears Street, Fairfax, said his property abutted the applicant's property and that while he had no objection to the house being built, he was concerned that filling in the floodplain could result in damage to his property.

Bruce Carty, 8902 Mears Street, Fairfax, aligned himself with the comments of the previous speaker.

Vice Chairman Byers read Development Condition Number 18 regarding stormwater drainage so that Mr. Carty and Mr. Cannon would understand that the applicant must adhere to proper guidelines.

Arthur Jackson, 2849 Hunter Road, Fairfax, expressed support for the proposed development.

John Dapogny, 8827 Stolen Moments Trail, Fairfax, spoke in support of the application and said the proposed development would improve the neighborhood.

Commissioner Lawrence submitted for the record a letter from Mr. Dapogny dated May 2, 2005, in support of the application, a copy of which is in the date file.

Mr. Budnik said that the amount of fringe fill would be minimal and was needed to build up a 15 foot setback away from the foundation of the house. He said that no drainage divides would be broken as a result of this construction. Mr. Budnik entered into the record a petition, a copy of which is in the date file, dated March 11, 2004, signed by seven neighboring home owners in support of the application.

In response to a question from Commissioner de la Fe, Jerry Stonefield, Department of Public Works and Environmental Services, said that the restoration of the RPA, buffering, and fill would not adversely affect the flood elevation.

Commissioner Hall explained to Mr. Tedder the Ordinance enforcement process and reminded him that he would need to strictly adhere to the conditions set forth.

In response to questions from Commissioner Hart, Mr. Budnik and Mr. Braham stated that there were no houses downstream from the applicant's property; therefore, no water would be diverted to neighboring properties as a result of the fringe fill.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Lawrence for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2004-PR-037, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 4, 2005.

Commissioners Alcorn and Lusk seconded the motion which carried unanimously with Commissioners Harsel, Hopkins, and Murphy absent from the meeting.

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2232-L04-17 - FAIRFAX COUNTY PARK AUTHORITY - Appl. to develop a small neighborhood park named Lockheed Boulevard Park, located at 3510 Lockheed Boulevard. Tax Map 92-4-((1)) 12B. Area IV. LEE DISTRICT. PUBLIC HEARING.

David Marshall, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Kelly Davis, Special Projects, Park Planning Branch, Fairfax County Park Authority (FCPA), stated the property was currently owned by the Fairfax County Redevelopment and Housing Authority (FCRHA) and that FCPA and FCRHA had been approached by the Lee District Supervisor's office to discuss the development of a small neighborhood park on the parcel. She stated that a recent loss of space at a neighboring school had prompted the need for additional park space. Ms. Davis explained the proposed plan included a play structure, benches, picnic tables, a small trail for children to ride bicycles, and a small one hoop multi-use court. She added that because of the size and nature of this park, parking would not be added to the site.

In response to a question from Commissioner de la Fe, Lynn Tadlock, Planning and Development Division, FCPA, said that the application fit the new guidelines for a local park and that it would not have ball fields.

Vice Chairman Byers called for speakers from the audience.

Mark Silverwood, 11719 Blue Smoke Trail, Reston, owner of the Lafayette Apartments located next to the proposed park, said that although he felt the park was a good idea, he had concerns about the basketball court planned. He said that courts typically attracted gangs and he was concerned about vandalism.

Bill Hausen, 3301 Lockheed Boulevard, Alexandria, agreed that the park was a good idea but stated he was worried about people staying there after dark.

In response to a question from Commissioner Byers, Mr. Hausen stated that he did not mind people playing basketball during the day in the proposed park but the lack of security would allow them to be there at night as well.

Commissioner Lusk said that since the park would be facing Lockheed Boulevard, an assumption should not be made that the park would be a harbinger for illicit activities. He said that since recreation space had recently been lost, there was a responsibility to do what was right

for the larger community and provide a place for recreation and exercise for the children of the neighborhood.

In response to questions from Commissioner Alcorn, Ms. Davis said that the only recreational facility in the area to serve the many multifamily dwellings was Groveton Heights Playground and that that playground did not have a basketball court.

Ms. Davis responded to questions from Commissioner Hall regarding security measures. Commissioner Hall said she agreed with Commissioner Lusk and that children should not be deprived of a park due to the potential for abuse and that if problems did occur they could be handled appropriately.

Commissioner de la Fe commented that nothing would happen at the proposed park site that could not happen at the many unguarded acres across the street from it.

Vice Chairman Byers added that he felt it was important to provide recreational facilities so children could have a place to play in their own neighborhood.

The Commission had no further comments or questions and staff had no closing remarks; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Lusk for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Lusk MOVED THE PLANNING COMMISSION FIND THAT THE PROPOSAL BY THE FAIRFAX COUNTY PARK AUTHORITY AS AMENDED TO DEVELOP A 0.7425 ACRE PARCEL INTO A SMALL NEIGHBORHOOD PARK, LOCATED AT 3510 LOCKHEED BOULEVARD, IS SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN, MEETS LOCATION, CHARACTER, AND EXTENT, AND IS IN ACCORDANCE WITH THE VIRGINIA SECTION 15.2-2232 OF THE *VIRGINIA CODE*.

Commissioners Alcorn, de la Fe, Hall, Hart, Koch, Lawrence, and Wilson seconded the motion which carried unanimously with Commissioners Harsel, Hopkins, and Murphy absent from the meeting.

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The meeting was adjourned at 9:32 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

CLOSING

May 5, 2005

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Susan M. Donovan

Approved on: _____

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission